



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Election of Claims and Amendment Transmittal

Applicant: Marshall

Docket No.: BIRD.1134

Serial No.: 10/698,298

Group Art Unit: 3643

Filed: 10/31/03

Examiner: Price, Richard
Thomas Jr.

TITLE: APPARATUS AND METHOD FOR ROTATING AVIAN ENCLOSURES

Mail Stop NON-FEE AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is an Election of Claims and Amendment in the above-identified Application.

☒ No additional Fee is Due.

The fee has been calculated as shown below:

	(Col. 1)	(Col. 2)
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	No. Extra
Total 35	67	0
Independent 3	6	0
<input type="checkbox"/> 1 month extension of time		

Small Entity	
Rate	Additional Fee
x \$9.00=	\$ 0
x \$42.00=	\$ 0
\$ 55	\$ 0
Total:\$ 0	

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0371.

☒ Any additional filing fees required under 37 C.F.R. §1.16.

☒ Any patent application processing fees under 37 C.F.R. §1.17.

MARTIN & ASSOCIATES, L.L.C.

P.O. Box 548

Carthage, MO 64836-0548

(417) 358-4700

Respectfully submitted,

By Derek P. Martin

Derek P. Martin

Registration No.: 36,595

I HEREBY CERTIFY THAT, ON THE DATE SHOWN BELOW, THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE, POSTAGE PAID, AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP NON-FEE AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ARLINGTON, VA 22313-1450

DATE: April 26, 2004

SIGNED: Derek P. Martin



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ELECTION OF CLAIMS AND AMENDMENT

Applicant:	Marshall	Docket No.:	BIRD.1134
Serial No.:	10/698,298	Group Art Unit:	3643
Filed:	10/31/03	Examiner:	Price, Richard Thomas Jr.

TITLE: APPARATUS AND METHOD FOR ROTATING AVIAN ENCLOSURES

Mail Stop NON-FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the office action dated April 6, 2004, please amend the subject patent application as follows.

IN THE CLAIMS

Please cancel claims 36-67.

- 1 1. (Original) An apparatus comprising:
- 2 a motor;
- 3 an animal sensing mechanism that detects an animal and determines whether the
- 4 animal is of a first or a second type; and
- 5 a controller coupled to the motor and to the animal sensing mechanism, the
- 6 controller causing the motor to run at a first speed when the animal sensing mechanism
- 7 detects an animal of the first type, the controller causing the motor to run at a second
- 8 speed when the animal sensing mechanism detects an animal of the second type.